

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2036

Introduced by Assembly Member Bill Berryhill

February 17, 2010

An act to add Section 10170 to the Public Contract Code, relating to public contracts, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2036, as amended, Bill Berryhill. Public contracts: contract document distribution.

Existing law imposes various requirements with respect to contracting by public agencies.

This bill would require an officer, department, board, or commission, taking bids for the construction of a public work or improvement, to distribute contract documents, as specified, to a prospective bidder, subcontractor bidder, supplier, and contractor plan room service, as prescribed.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 10170 is added to the Public Contract Code, to read:

10170. An officer, department, board, or commission taking bids for the construction of a public work or improvement shall distribute a paper or electronic copy of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement, at no charge to a prospective bidder, subcontractor bidder, supplier, and contractor plan room service when requested by a contractor plan room service. If a deposit is required as part of a paper contract documents distribution policy by the officer, department, board, or commission, the deposit shall not exceed two hundred fifty dollars (\$250) per set, which shall be refunded upon the return of the contract documents within 14 business days after the award of the project. If the contract documents are not returned in 30 business days and in reusable condition, the deposit shall be forfeited. The government entity shall reimburse a landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Due to the current policy of many public agencies charging prospective bidders for a set of project plans, many contractors are unable to afford to submit bids, which is having a dampening effect on competition by increasing the cost of building certain public works projects, and in order to address this matter in a timely manner, it is necessary that this act take effect immediately.